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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,257	07/30/2003	Timothy M. Anderson	POU920020121US1	9401

7590 11/15/2006

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EXAMINER

DAO, THUY CHAN

ART UNIT PAPER NUMBER

2192

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/630,257	ANDERSON ET AL.	
	Examiner	Art Unit	
	Thuy Dao	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on July 30, 2003 and the preliminary amendment filed on January 26, 2004.
2. Claims 1-20 have been examined.

Priority

3. The priority date considered for this application is July 30, 2003.

Information Disclosure Statement

4. The Office acknowledges receipt of the Information Disclosure Statement filed on July 30, 2003. It has been placed in the application file and the information referred to therein has been considered by the examiner.

Drawings

5. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
6. The drawing is objected to because Figure 5, block 503, has grammatical error.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. The use of the trademarks WINDOWS.TM. (page 5, [0011]), IBM THINKPAD.TM. T30 (page 17, [0049]), MICROSOFT OFFICE XP.TM. (page 18, [0050]) have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

8. The disclosure is objected to because of the following informalities:

page 3, [0006], line 3, "IT" should be spelled out at the first appearance in the disclosure;

page 4, [0009], line 4, "317-219" should be - 317-319- -; and

page 16, [0047], line 10, the phrase is considered to read as - ...and options installed information).- -

Appropriate correction is required.

Claim Objections

9. Claims 1, 3, 5, 7-8, 10, 12, 14-15, 17-18, and 20 are objected to because of minor informalities.

Claims 1, 8, and 15:

In line 10, the phrase is considered to read as - -transmitting the set of program components...- -.

Claims 3, 10, and 17:

In line 1, the phrase is considered to read as - -...wherein the set of [a] program components ...- -.

Claims 5, 12, and 18:

In line 1, the phrase is considered to read as - -A method for [programmably] programmatically building ...- -; and

In line 16, the phrase is considered to read as - -storing the set of program components...- -.

Claims 7, 14, and 20:

In line 1, the phrase is considered to read as - -... wherein the set of program components ...- -.

Appropriate correction is required.

Claim Rejections – 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,938,250 to Cohen et al. (hereinafter "Cohen").

Claim 1:

Cohen discloses *a method for creating a replica (clone) computer system program image, the method comprising the steps of:*

downloading a clone image to a target computer system (e.g., FIG. 1, Run-Time Image 26, Target Computer 35, build computer systems 5 and 20, network communications 3 and 4, col.5: 14-47);

receiving from the target computer system, target computer system configuration information (e.g., col.4: 1-7; col.6; 18-26);

determining, according to the received target computer system configuration information according to predetermined rules, a set of program components needed by the target computer system to complete a build of the target computer system (e.g., col.5: 27-47); and

transmitting the set of program components needed to the target computer system (e.g., col.11: 36-54).

Claim 2:

The rejection of base claim 1 is incorporated. Cohen also discloses *the target computer system configuration information comprises any one of an attached device information, a model information of the target computer system, a type information of the target computer system, an amount of memory information of the target computer system or a processor information of the target computer system (e.g., col.4: 1-7; col.6; 18-26).*

Claim 3:

The rejection of base claim 1 is incorporated. Cohen also discloses *the set of program components comprise any one of a program for determining a computer system configuration information, device drivers, application programs or custom build programs (e.g., col.5: 27-47; col.11: 36-54).*

Claim 4:

The rejection of base claim 1 is incorporated. Cohen also discloses *the determining step further comprises the step of interrogating rules for configuration information (e.g., col.11: 24-41).*

Claim 5:

Cohen discloses *a method for programmatically building a replica (clone) computer system program image, the method comprising the steps of:*

loading a clone image into a target computer system (e.g., FIG. 1, Run-Time Image 26, Target Computer 35, build computer systems 5 and 20, network communications 3 and 4, col.5: 14-47);

executing a clone install program at the target computer system, the target computer system in network communication with a build computer system (col.6: 11-17);

detecting by the clone install program, configuration information of the computer system (e.g., FIG. 2, blocks 48-52, col.6: 54 – col.7: 3);

transmitting by way of the install program, the configuration information to the build computer system (e.g., col.4: 1-7; col.16: 18-26);

evaluating, the configuration information according to a configuration rule to determine a set of program components needed by the target computer system (e.g., col.5: 27-47);

receiving the set of program components from the build computer system; and storing the set of program components at the target computer system (e.g., col.11: 36-54).

Claim 6:

The rejection of base claim 5 is incorporated. Cohen also discloses *the executing step comprises the further steps of receiving an update to the install program from the build computer system (e.g., col.11: 59-63).*

Claim 7:

The rejection of base claim 5 is incorporated. Cohen also discloses *the set of program components comprise any one of programs to be run on the computer system to augment the install process, device drivers or application programs* (e.g., col.5: 27-47; col.11: 36-54).

Claims 8-11:

Claims 8-11 are computer program product versions, which recite the same limitations as those of claims 1-4, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 8-11.

Claims 12-14:

Claims 12-14 are computer program product versions, which recite the same limitations as those of claims 5-7, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 12-14.

Claims 15-17:

Claims 8-11 are system versions, which recite the same limitations as those of claims 1-3, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 15-17.

Claims 18-20:

Claims 18-20 are system versions, which recite the same limitations as those of claims 5-7, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 18-20.

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12. Claims 1, 5, 8, 12, 15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication No. 2002/0091805 A1 to Phillips et al. et al. (hereinafter "Phillips").

Claim 1:

Phillips discloses *a method for creating a replica (clone) computer system program image, the method comprising the steps of:*

downloading a clone image to a target computer system (e.g., FIG. 3, Target System Image 322, target computer system as a node in network 200, build computer system as server in said network 200, page 6, [0059]);

receiving from the target computer system, target computer system configuration information (e.g., FIG. 5, blocks 365-366, detect hardware profile of computer node, page 8, [0075]);

determining, according to the received target computer system configuration information according to predetermined rules, a set of program components needed by the target computer system to complete a build of the target computer system (e.g., FIG. 5, blocks 367-368, page 8, [0075]); and

transmitting the set of program components needed to the target computer system (e.g., FIG. 6, blocks 386-390, page 10, [0087]).

Claim 5:

Phillips discloses *a method for programmatically building a replica (clone) computer system program image, the method comprising the steps of:*

loading a clone image into a target computer system (e.g., FIG. 3, Target System Image 322, target computer system as a node in network 200, build computer system as server in said network 200, page 6, [0059]);

executing a clone install program at the target computer system, the target computer system in network communication with a build computer system (e.g., FIGs. 3-4, Managed Node Service (MNS) 314, page 6, [0059], page 9, [0077-79]);

detecting by the clone install program, configuration information of the computer system (e.g., FIG. 5, blocks 365-366, detect hardware profile of computer node, page 8, [0075]);

transmitting by way of the install program, the configuration information to the build computer system (e.g., FIG. 6, blocks 386-390, page 10, [0087]);

evaluating, the configuration information according to a configuration rule to determine a set of program components needed by the target computer system (e.g., FIG. 5, blocks 367-368, page 8, [0075]);

receiving the set of program components from the build computer system; and storing the set of program components at the target computer system (e.g., FIG. 3, program components 320-330, page 6, [0059-60]).

Claim 8:

Claim 8 is a computer program product version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 8.

Claim 12:

Claim 12 is a computer program product version, which recites the same limitations as those of claim 5, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 12.

Claim 15:

Claim 15 is a system version, which recites the same limitations as those of claim 1, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 15.

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Claim 18:

Claim 18 is a system version, which recites the same limitations as those of claim 5, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim, it also teaches all of the limitations of claim 18.

Conclusion

13. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on Monday – Friday from 6:30AM to 3:00PM.

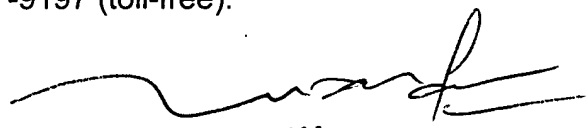
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao


TUAN DAM
SUPERVISORY PATENT EXAMINER